



BULLETIN

News and resources for BC strata owners, councils, and industry professionals



NOVEMBER 2024

Vancouver Island Strata Owners Association

VISOA Bulletin

Editor: Bulletin Committee
Graphic Design: Bulletin Committee
Advertising Coordinator: Cindy Young

The Bulletin is a digital magazine published by the Vancouver Island Strata Owners Association (VISOA) four times per year.

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VISOA is an independent, non-profit, member-funded society. Formed in 1973, it is the longest-running organization of its kind in Canada. VISOA provides education, support, and advocacy for British Columbia strata owners and strata corporations. As part of its mandate, VISOA meets with government and industry associations, and sits on advisory panels to advocate for BC strata owners and strata corporations.

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On the cover: Harbourside is a 17-unit strata in Sidney. As well as several Japanese Maples, we enjoy early spring blooming rhododendrons and beautiful hanging baskets all summer.
- Rosalind McLure

Disclaimer: The material in this publication is intended for informational purposes and cannot replace consultation with qualified professionals. Legal advice or other expert assistance should be sought as appropriate.

Bullying and Harassment in Stratas

by Shawn M. Smith

The terms “bullying” and “harassment” are used frequently in discourse between owners and strata councils (and even between owners themselves). “I am tired of being harassed by the strata council.” “That owner is constantly bullying all of us on council.” Sadly, these types of statements are becoming more frequent in strata settings. They are powerful words with a lot of meaning but what do they mean in the context of a strata corporation?

What are bullying and harassment?

The starting place for such an analysis is the common English meaning of such words. In the recent case of [M.G. v. B.W., 2023 BCPC 272](#) the court addressed the first of those terms saying:

[133] The Merriam-Webster’s Collegiate Dictionary (10th ed. 1994) defines “bully, bullied, bullying” as: 1. to treat abusively; 2. to affect by means of force or coercion: to use browbeating language or behaviour (p. 151)...

The court then said the following with respect to the meaning of “harassment”:

[134]... harassment typically refers to humiliating or intimidating behaviours in the school or workplace or in the context of a residential tenancy or human rights complaint. Even then, not every inappropriate, uncivil, or unpleasant behaviour is serious enough to be considered harassment.

[137]... Harassment typically involves unwanted and repetitive behaviour that the offender knows, or ought to know, will have the effect of harming or threatening to harm the complaint target.

It has been said that “bullying may be another word for harassment” - [Williams v. Simon Fraser University, 2018 BCSC 1787](#). For the purposes of this article, I will do the same.

Whether certain behaviour constitutes harassment depends on whether that behaviour is viewed objectively or subjectively. What a particular person views as harassment may not be considered as such in the eyes of the law. Owners often allege harassment from another owner or the strata council. Council members may feel harassed by owners who disapprove of their decisions or who simply don’t like authority. Knowing where the limits of acceptable behaviour cross over into unacceptable behaviour is important.

Can you make a legal claim for harassment?

Is there a remedy at common law for being harassed? Recent court decisions have made it clear that no such tort (legal claim) exists in British Columbia - [Ilic v. British Columbia \(Justice\), 2023 BCSC 167](#) (CanLII); [Anderson v. Double M Construction Ltd., 2021 BCSC 1473](#). The Civil Resolution Tribunal (CRT) has also recognized that no tort of harassment exists - [Genaille v. Peters, 2020 BCCRT 86](#); [Simington v. The Owners, Strata Plan LMS3743, 2023 BCCRT 1080](#). As such, it is difficult to claim a right to be free from harassment.

Feeling offended or picked on does not amount to something about which the law will intervene. While one may be offended, bothered, or upset by certain interactions, this does not necessarily make them improper from a legal standpoint (good manners and human decency may, of course, dictate otherwise).

However, that does not give license for a person to treat others any way they want. There is a line, but it may be much further than some would prefer.

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Bullying and Harassment in Stratas

In *Drew v. The Owners, Strata Plan 1692*, 2024 BCCRT 1107, the CRT held that the terms “annoy, harass, or disturb” used together amounted to a prohibition in the bylaws on harassment. What constitutes harassment is more than trivial annoyances or disturbances. The conduct must meet the following test:

- Was the conduct outrageous (i.e. deeply shocking and unacceptable, grossly cruel, immoral, offensive, or highly unusual or unconventional);
- Was there an intention to cause emotional stress or was there a reckless disregard for causing someone to suffer from emotional stress?
- Did the person suffer from severe or extreme emotional distress?
- Was the outrageous conduct the actual and proximate cause of the emotional distress?

Behaviour that is viewed as “unwise and misguided”, ill-advised, and even “anti-social” will not be viewed as outrageous.

Where the bylaws prohibit harassment, a remedy might be available.

Other possible claims

Even though a claim for harassment might not be possible, there might be another way to characterize the claim.

► Intentional infliction of mental suffering

The high threshold for the point at which the law will intervene is illustrated by the tort of intentional infliction of mental suffering. The elements are: conduct that is flagrant and outrageous, calculated to produce harm, and resulting in a visible and provable illness. Generally, a visible and provable illness requires proof of a recognizable psychiatric illness.

In contrast, a feeling of “constant and escalating fear for [one’s] personal safety and life every moment” does not entitle one to a remedy - *Gokey v. Usher*, 2023 BCSC 1312. Just because a person feels harassed does not mean they are.

► Significant unfairness

The CRT has authority to make orders remedying a significantly unfair act or decision by a strata corporation under section 123(2) of the *Civil Resolution Tribunal Act*.

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This provision is similar to section 164 of the *Strata Property Act*, which allows the BC Supreme Court to make orders remedying significantly unfair acts or decisions. The legal test is the same in both cases. See *Dolnik v. The Owners, Strata Plan LMS 1350*, 2023 BCSC 113.

Significantly unfair actions are those that are burdensome, harsh, wrongful, lacking in probity or fair dealing, done in bad faith, unjust, or inequitable - *King Day Holdings Ltd. v. The Owners, Strata Plan LMS3851*, 2020 BCCA 342. Conduct toward an owner can be significantly unfair - *Simington v. The Owners, Strata Plan LMS3743*, 2023 BCCRT 1080. Humiliating or intimidating behaviour on the part of the strata council could amount to significantly unfair actions.

Simply because a bylaw or rule affects a particular owner does not mean it is harsh or inequitable. In *Gill v. The Owners, Strata Plan KAS 2533*, 2023 BCCRT 900, the CRT found rules about the number and location of permitted flower pots were reasonable and affected all owners equally.

► Discrimination

When feeling bullied or harassed, a person may

believe they are being discriminated against. However, “discrimination” has a very specific meaning under the law. Discrimination does not arise simply because you were not agreed with.

A person alleging discrimination must show that they have a characteristic protected from discrimination under the *Human Rights Code* (race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or age of that person), that they have experienced an adverse impact in a protected area, and that the protected characteristic was a factor in the adverse impact. Simply because a person identifies with one of the listed characteristics and does not get what they want, does not mean they were discriminated against - *Rao v. The Owners, Strata Plan NW 53*, 2009 BCHRT 166.

► Nuisance

Certain repeated and objectionable behaviour can fall within the scope of the law of nuisance. For example, in *Boggs v. Harrison*, 2009 BCSC 789, the court concluded that deliberately causing excessive noise, taking

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voluminous pictures, repeatedly staring at people and making insulting and offensive remarks “was done for the purpose of intimidating, harassing or annoying the plaintiffs...[and] intended to provoke a reaction from the plaintiffs.” That conduct amounted to a “deliberate interference with the plaintiffs’ enjoyment of their property” to the extent that it was objectively unreasonable and amounted to a nuisance. As a result, the court made orders to restrain the defendants’ future conduct.

A similar decision was reached in *The Owners, Strata Plan LMS4355 v. Vorias*, 2022 BCCRT 745 where banging loudly on walls and loudly using profane language was found to constitute a nuisance.

► Interfering with use of common property

When it comes to an owner’s conduct, there are lines that cannot be crossed. Those tend to involve physical conduct and altercations. In *The Owners, Strata Plan BCS 3636 v. Burny*, 2023 BCCRT 1059, a tenant was accused, amongst other things, of:

- Verbally accosting the building manger,
- Physically threatening the building manager, and
- Writing harassing and abusive emails, text messages, and social media posts to or about the building manager, strata manager, and strata council members.

The owner argued the tenant’s conduct did not amount to a breach of the bylaws because none of it involved the “use” of a strata lot or common property.

The CRT recognized that there is a clear distinction between in-person conduct and digital communications. The tenant’s abusive in-person conduct towards the building manager was held to be part of using the common property and unreasonably interfered with the building manager’s right to use common property.

With respect to sending emails and posting to social media, the CRT held doing so was not part of the “use” of a strata lot, even if the tenant was at home when they composed them. It recognized that digital communication is inherently mobile and unconnected to any specific location. This conclusion is consistent with the decision in *The Owners, Strata Plan LMS 2461 v. Wong*, 2022 BCSC 1222.

► Excessive and abusive emails

A common complaint from councils and strata managers relates to the volume of emails, which are often perceived to be abusive. At times they can be. In *The Owners, Strata Plan KAS 1777 v. Flaman*, 2024 BCSC 1242,

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the court recognized that the frequency and content of emails received from an owner “hindered the productivity of council and has had a detrimental emotional impact on their efforts to perform their duties effectively.” It ordered the owner to only communicate “through management by regular postal mail to the address of the Strata Corporation registered in the Land Title Office”.

Excessive and abusive emails can be sufficient justification to suspend an owner’s right to communicate with the strata council members - *Francis v. The Owners, Strata Plan VR 460, 2024 BCCRT 342*.

► Frequent requests for records

Compliance with section 36 of the *Strata Property Act* is mandatory. On receiving a request, the strata corporation must make the records and documents referred to in section 35 available for inspection or provide copies of them. Strata councils may find frequent requests for documents tiresome. However, that does not make them harassment, particularly where there is a good reason for the request - *Skelton v. The Owners, Strata Plan VIS 6212, 2024 BCCRT 201*.

Where the requests amount to vexatious attempts to harass the council they will not be allowed - *Mellor v. The Owners, Strata Plan KAS 463, 2018 BCCRT 1*.

When council actions are not harassment

Where the strata corporation is acting in accordance with its statutory obligations, it will not be considered to be harassing an owner. Council’s duties include ensuring that owners meet their obligations whether those be paying strata fees and special levies or enforcing the bylaws. That may require placing a lien on a strata lot that is in arrears or writing an owner about an alleged bylaw violation. Sending letters to an owner does not amount to harassment - *Lee v. The Owners, Strata Plan EPS1290, 2021 BCCRT 533*.


Bylaws about harassment

Strata corporations can address disruptive and objectionable behaviour through bylaws. While the Standard Bylaws addressing the use of common property might apply, more specific bylaws can be adopted. Section 119(2) of the *Strata Property Act* permits the strata corporation to pass bylaws which apply to the “use and enjoyment of the strata lots, common property and common assets of the strata corporation and for the administration of the strata corporation”.

This allows strata corporations to enact bylaws which specifically deal with:

- Conduct toward others while on the common property

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- Conduct in meetings
- Interfering with trades and council while carrying out duties

However, any bylaw which essentially stifles dissent or discussion would be significantly unfair to an owner and likely struck down. Strata councils cannot expect to be free from criticism.

It is recommended to seek legal advice when drafting bylaws about harassment to ensure the bylaws are fair, enforceable, and don't contravene the *Strata Property Act*, *Human Rights Code*, or other laws. 

This article is intended for information purposes only and should not be taken as the provision of legal advice. Shawn M. Smith is a lawyer whose practice focuses on strata property law. He frequently writes and lectures for strata associations. He is a partner with the law firm of Cleveland Doan LLP and can be reached at (604) 536-5002 or shawn@clevelanddoan.com. He can be followed on Twitter [@stratashawn](https://twitter.com/stratashawn).


■ Editor's Message

Thank you to everyone who contributed to this issue. We're particularly grateful to Shawn M. Smith of Cleveland Doan LLP for his article about bullying and harassment. This topic is raised frequently in questions to our Strata Support Team.

We also thank Oscar Miklos of Refresh Law for his expertise in creating the treasurer's guide to forms. The mystery of what amounts owing can be included on a Form B is solved!

On December 1, 2024 we'll draw the winners of our 2024 photo contest from the 4 entries that graced the covers of the Bulletin magazines this year. We'll announce the winners on Facebook and in the next issue of the Bulletin.

We're now accepting entries for the 2025 photo contest. Send an email to editor@visoa.bc.ca to submit a photo or to suggest a topic for the next issue.

We also welcome submissions from readers and subject matter experts. 

VISOA Bulletin and Suite of Services committees are Wendy Wall, Susan Ferster, André De Leebeeck, and John Grubb with special thanks to volunteer Janice Foley, and Advertising Coordinator Cindy Young.

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■ Building Retrofit Advisors & Rebates for Stratas

by Karen Reid

Strata depreciation reports are written from the perspective of replacing like-for-like. Have you ever wondered if there are other options? Are there benefits to upgrading a system or changing technologies?

Two programs help eligible condominium strata corporations plan and implement energy efficiency upgrades: the Strata Energy Advisor Program and the CleanBC Multi-Unit Residential Building Retrofit Program. Some stratas may qualify for both.

Strata Energy Advisor Program

This free advisory service is open to condominium strata corporations interested in retrofits for healthy, energy-efficient, and climate-friendly buildings. Advisors identify retrofit opportunities that align with major capital renewals which may be identified in your depreciation report. They provide hands-on guidance for your strata council to navigate technology and financing options such as rebate programs. If accepted to the program, strata corporations receive in-depth support from planning through completion of the project.

Your condo building must have natural gas for heating, hot water, ventilation, or fireplaces. The strata must be interested in electrifying one or more of these systems and have an upcoming end of life replacement project. The building must have 4 or more storeys above ground or a floorplate (ground floor) of more than 600 m². That's about 30 or more condos.

The City of Victoria and District of Saanich provide additional funding for smaller condominium stratas of 5 or more units including those interested in switching from electric baseboard heating to heat pumps (i.e. gas equipment is not a requirement.)

CleanBC Multi-Unit Residential Building Retrofit Program

This program, delivered by BC Hydro, provides studies and rebates. To be eligible, your strata corporation must have a BC Hydro account. Buildings must be 3 storeys or higher with common area lighting and central mechanical systems such as space or hot water heating and ventilation. The program offers the following studies and rebates.

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Building Retrofit Advisors & Rebates for Stratas

► Opportunity Assessment

This report provides a high-level plan for transitioning your building from using electric baseboards or gas to high-efficiency heating, cooling, and lighting systems to improve building efficiency. The opportunity assessment includes a site visit, a report, and an excel workbook prepared by a BC Hydro Alliance of Energy Professional consultant. The report identifies retrofit opportunities, available BC Hydro program rebates, and other financial supports.

Pre-approval from BC Hydro is required. Funding covers the cost of the report up to \$5,000 but doesn't cover tax. Since BC Hydro issues payment directly to the consultant, strata approval requires just a $\frac{3}{4}$ vote resolution at your annual or special general meeting (AGM or SGM) to approve an expenditure from the contingency reserve fund (CRF) to cover the tax and any amount over \$5,000.

The opportunity assessment is NOT a depreciation report, electrical planning report, or an EV Ready plan. However, it may be economical to have the same professional prepare your electrical planning report. Under the Strata Property Regulation, condo stratas of

this size must obtain their electrical planning report from an electrical engineer or an applied science technologist.

► Feasibility Study

After strata owners have reviewed the opportunity assessment or had previously chosen which retrofits it is ready to undertake, a BC Hydro Alliance of Energy Professional engineer conducts an in-depth analysis to prepare for the project. The study provides a detailed equipment replacement/retrofit strategy with a basis of design and a business case based on technical and financial analysis.

Pre-approval from BC Hydro is required. Funding covers the cost of the study up to \$30,000 but doesn't cover tax. BC Hydro can issue payment to the strata or directly to the consultant. Any expenditure from the CRF or by special levy requires a $\frac{3}{4}$ vote approval at an AGM or SGM.

Rebates

There are several rebates available to strata corporations for both fuel switching and energy efficiency projects. See the program guide for a detailed list of eligible components, equipment, and technical specifications. The opportunity assessment and/or feasibility study explain which rebates your strata could apply for. The application could ask for funding for custom projects which, in addition to heating and cooling, could potentially include lighting, windows, and building envelope work.

Learn more

To learn more about the [Strata Energy Advisor](#), [CleanBC Multi-Unit Residential Building Retrofit](#) and other programs for strata corporations or strata owners, see [EV Charging and Energy Efficiency](#) in VISOA's Resource Centre. You'll find additional resources, videos, as well as information to navigate the *Strata Property Act*, plan your annual and special general meetings, approve expenditures, and more. [V](#)

[Register](#) for VISOA's free webinar The Strata Energy Advisor Program on Saturday, November 16 at 9:00 am.

The video will be available on YouTube shortly afterwards. Go to [YouTube.com/@VISOAvideos](https://www.youtube.com/@VISOAvideos)



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A Treasurer's Guide to Forms

What amounts can be included in money owing?

It depends what form you are filling out!

Amount Owing	B	F	G	!
Strata Fees ^①	✓	✓	✓	Yes
Special Levy ^②	✓	✓	✓	Yes
s. 85 Reimbursement ^③	✓	✓	✓	Yes
Share of Judgment ^④	✓	✓	✓	Yes
Fines	✓	✓	✗	No
s. 133 Remedy ^⑤	✓	✓	✗	Yes
User Fees	✓	✓	✗	Yes
Insurance Deductible ^⑥	✓	✗	✗	Yes
Damages ^⑥	✓	✗	✗	Yes

Form B: Information Certificate

Often requested by realtors and prospective purchasers. See SPA s. 59

Form F: Certificate of Payment

Required by a lawyer to transfer a title at the Land Title Office. See SPA s. 115

Form G: Certificate of Lien

Used to register a lien against an owner's strata lot. See SPA s. 116

Limitation Period

This is the time limit to collect money owed to the strata corporation. Under the *Limitation Act*, the limitation period is usually 2 years to make a claim "to remedy an injury, loss or damage that occurred as a result of an act or omission."

① Including interest if permitted by the bylaws. (*Strata Property Act* (SPA) s. 107)

② Including interest if permitted by the bylaws or specified in the resolution that approved the levy. (SPA s. 108)

③ The owner must reimburse the strata corporation for any money the strata spends doing work on or to the strata lot if an owner fails to comply with a work order. (SPA s. 85)

④ The strata lot's share of a judgment against the strata corporation. (SPA s. 166)

⑤ The reasonable costs of remedying a contravention of a bylaw or rule. (SPA s. 133)

⑥ The Form F must not include claims of damages against an owner that have not been determined by a court, by arbitration, or by the Civil Resolution Tribunal, such as an insurance deductible. (SPA s. 115)

Thank you to Oscar Miklos at [Refresh Law](#) for his assistance in preparing this handy chart.

This information is provided as a reference. Legal advice should be sought when needed.

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How to Get a Matter on the AGM Agenda

by Elaine Brown

As a strata owner, there are times when you want your strata council to add an item to the agenda of the upcoming annual general meeting (AGM).

Under [Strata Property Act \(SPA\) s. 46](#), council determines the agenda of a general meeting. Matters to be voted on can't be added at the AGM because the SPA says all matters that will be voted on have to be in the notice, which is usually given 20 days before the AGM.

How do you get your item on the agenda?

1. Make a written request

Sometimes you do get bees with honey. A polite, professional letter asking council to include a matter on the agenda and explaining your reasons might work. The drawback is that council has no obligation to include it and you might not know until the notice goes out.

2. Request a hearing

Under [SPA s. 34.1](#), an owner can request a hearing at a council meeting and council must hold the meeting within 4 weeks. You could speak to the reasons you think the

matter should be on the AGM agenda, give your letter to council, and explicitly ask council to decide whether or not they will include it on the agenda. Council must give their decision in writing within one week after the hearing. If you don't get the answer you want, you can proceed to the next method.

3. Raise a matter by written demand (petition)

SPA s. 46 says persons holding at least 20% of the strata corporation's votes may, by written demand (petition), propose a resolution or raise a matter specified in the demand and that the strata must add it to the AGM notice and agenda.

The SPA doesn't have a prescribed form for a written demand. VISOA members can access a template by [logging in](#) to your profile. Go to Member-only Resources and look for the Word file "Sample petition for a special general meeting (written demand)".

Written demands often fail to achieve their purpose. They might express concerns and complaints but not clearly

continued on page 15



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How to Get a Matter on the AGM Agenda

state “the resolutions or matters” to place on the agenda. This makes it difficult for council to write the notice package. The result might be that the agenda includes a discussion but no resolution.

If the purpose of the written demand is to vote on a matter, think carefully about the wording of the resolution. Ensure it's clear and doesn't conflict with the SPA. Have a couple of friends read it or have a lawyer review and edit it, to help achieve the desired outcome.

When a council receives a written demand, they must check to see if it contains signatures from at least 20% of the total number of eligible votes. Only signatures from eligible voters are counted so it's a good idea to get a few more signatures than you need just in case any are rejected. A common mistake is collecting more than one signature from a strata lot or collecting a signature from someone who lives in the strata lot but is not an eligible voter. Also, a signature isn't counted if, under the bylaws, the strata corporation is entitled to register a lien against a strata lot.

Ensure the written demand is delivered to the strata corporation using a method in [SPA s. 63](#). For example, check the correct email address and mailing address of the strata corporation, or hand it to a council member.

Who can see the written demand?

The written demand is “correspondence sent or received by the strata corporation” under [SPA s. 35](#) so any owner can request a copy of it. SPA s. 46 doesn't say whether a copy of the signed written demand has to be included in the notice. However, there's nothing in the SPA that prohibits it. This might be practical so everyone can see the wording on the written demand and whether the matter or resolution in the notice package communicates accurately the matters raised in the demand.

Plan ahead

No matter which approach you take, be organized and take action a few months before the AGM. The hearing process could take up to 5 weeks. It takes time to prepare a petition and get signatures.

Be reasonable and submit your written demand early enough so council can amend the AGM notice package, get legal advice if necessary, and still have time to make copies and mail/email/deliver the notice at least 20 days in advance of the AGM.

If your written demand is submitted too late, the resolution or matter raised would have to wait to be included in the notice of the next AGM or SGM. Alternatively, you could start over again and do a new written demand under [SPA s. 43](#) “Special general meeting called by voters”. **V**



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■ Top 15 VISOA Member Resources

Since the launch of VISOA's new website in August, members have had access to over 60 resources to help manage their stratas. Here are the most popular resources so far. An asterix(*) indicates the resource is for corporate members only.

- 1 OIPC PIPA strata FAQs (pdf)
- 2 Worksheet for budget and calculating strata fees* (Excel)
- 3 Strata records retention guide (pdf)
- 4 Email authorization form* (Word)
- 5 Strata alterations: Everything you ever wanted to know (pdf, article by Shawn M. Smith)
- 6 Workbook: Planning EV charging for your condominium strata corporation (pdf)
- 7 Handling requests for air conditioners and heat pumps in stratas* (pdf, webinar transcript and links to case law)
- 8 Depreciation report requirements (pdf, webinar transcript)

- 9 Notice of AGM or SGM template* (Word)
- 10 Indemnity agreement for alterations to a strata lot or common property (pdf)
- 11 Purchasing documents from the Land Title Office (pdf)
- 12 Letter template to request a hearing (Word)
- 13 Form B: Information certificate* (2 formats: pdf and fillable pdf)
- 14 Council member code of conduct (pdf)
- 15 Spending money: CRF, operating fund, special levies, and more (pdf, webinar slides)

[Log in](#) to your member profile and go to Member-only Resources to see additional resources in 6 categories:

- EV charging, heat pumps, and energy efficiency
- Financial
- Legislation, bylaws, and privacy
- Letters, forms, minutes, and notices
- Maintenance and alterations
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You Asked

Q: Can strata fees be raised mid-year?

A: Strata fees for the fiscal year are based on the budget which is passed once per year at an annual general meeting (AGM). There is nothing in the *Strata Property Act* (SPA) that permits the council or owners at a subsequent general meeting to amend an approved budget.

According to the *BC Strata Property Practice Manual*, the courts have not been asked to rule on the validity of a budget amended at a subsequent special general meeting (SGM), so it appears that any changes to the budget (and therefore strata fees) have to wait until the next AGM.

If there are not enough funds to cover the current operating expenses, the strata can call a SGM and ask owners to approve a special levy by $\frac{3}{4}$ vote. Alternatively, council may be able to spend over its budget (in accordance with [SPA s. 98](#) and the bylaws) and have the fiscal year end in a deficit. See VISOA's [Resource Centre](#) to learn about the ways to eliminate a deficit at the end of the fiscal year.

Q: Our townhouses have crawlspaces. Are they common property or part of the strata lot?

A: The first step to answer this question is to check your registered strata plan. This document is filed at the Land Title Office. The strata plan identifies the boundaries of the strata lots, common property, and common property that has been designated limited common property (if any). Your strata plan shows the ground floors and second floors of the strata lots. It does not show any crawlspaces or basements.

Anything that is not identified as part of a strata lot is common property by default. Since your strata plan does not show or identify the crawlspaces as part of the strata lots, the crawlspaces are common property.

However, common property can be designated as limited common property for the exclusive use of the owners of a strata lot. Check the documents filed at the Land Title Office to see if there is an amended strata plan or a filing that designates common property as limited common property under [SPA s. 74](#).

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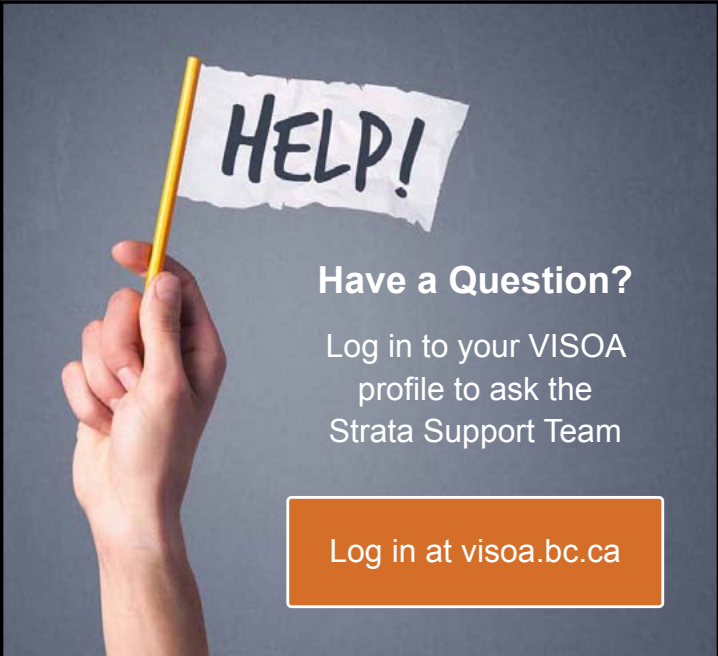
You Asked

Q: An owner's company provides landscaping services to the strata. Can they attend the AGM and vote on the budget since they have a conflict of interest?

A: There is a conflict of interest provision in [SPA s. 32](#) but it only applies to council members at council meetings. It requires them to disclose the nature and extent of the conflict of interest and leave a council meeting when a contract they are involved in is discussed and voted on. That provision doesn't apply to AGMs or SGMs.

Every owner and certified proxy has the right to vote on the budget and other resolutions at the AGM as well as propose and second motions, and participate in discussion. [SPA s. 53\(2\)](#) provides one exception. A strata corporation may have a bylaw that says the vote for a strata lot may not be exercised if the strata corporation is entitled to register a lien against their strata lot. In addition to having this bylaw, the strata has to comply with [SPA s. 112](#) to give the owner at least 2 weeks written notice demanding payment and indicating that a lien may be registered if payment is not made within that


2 week period. The owner can still vote on resolutions that require an 80% vote or unanimous vote. [V](#)



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■ The First Council Meeting After an AGM

by Ken Lam

At your strata's recent annual general meeting (AGM), you were elected as a council member. Now what? Here I provide suggestions to help new and seasoned council members hold your first council meeting of the year. In this article, I refer to the Standard Bylaws, however check your strata's bylaws for any amendments.

Call the first council meeting

Standard Bylaw 14 says that any council member may call a council meeting by giving the other council members at least one week's notice of the meeting and specifying the reason for calling the meeting. The notice does not have to be in writing but, in my opinion, it's a good practice and easily done by email. The council must inform owners about a council meeting as soon as feasible after the meeting has been called.

Prepare an agenda

While it's not a requirement under the *Strata Property Act* (SPA) or Standard Bylaws, I suggest that councils prepare an agenda in advance of council meetings. Seek input from all council members. Many councils create

an agenda template for reports, business arising, new business, and correspondence. An effective agenda sets clear expectations for what will be addressed at the meeting, helps council members prepare, keeps the meeting on topic, and aids the secretary in taking minutes.

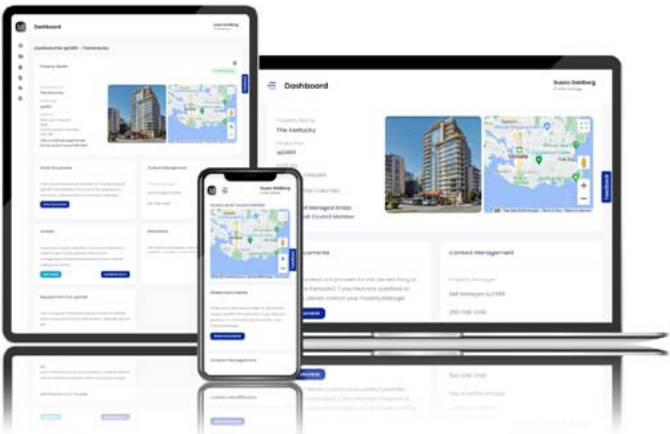
While meetings are generally intended for making decisions, the first council meeting could include some housekeeping. Owners look to a council to be organized, businesslike, and transparent. The first meeting sets the tone for the year.

Review duties

It can be helpful to start the meeting with a brief review of the duties of the officers - the president, vice president, secretary, and treasurer - as well as the duties of all council members. Circulating a document in advance can save time. The SPA does not set out any particular duties for each officer and every strata is different. It's up to council members to decide who is responsible for each task. Just remember that, in the end, the council as

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The First Council Meeting After an AGM

a whole is responsible for all actions or inactions of its council members and strata manager, if any.

Elect officers

Standard Bylaw 13 says that at the first meeting of the council held after each AGM, the council must elect, from among its members, a president, a vice president, a secretary, and a treasurer. This bylaw allows a person to hold more than one office such as president/treasurer or treasurer/secretary. The only combination that isn't allowed is president/vice president. There must be a vice president to step in if the president is absent or resigns. Electing officers is a majority vote decision of council and the results must be recorded in the minutes. Some strata councils wait until the end of the meeting to elect officers since it allows new council members to have some orientation before they decide. You'll also need a privacy officer.

Review procedures

Council should make a commitment to review procedures, code of conduct, and change passwords on all online accounts. I like to include a statement in the minutes verifying the strata corporation's email address for the purposes of giving notice to the strata under SPA s. 63. Some stratas also circulate a communications procedure so owners know who to contact in different situations.

Change signatories

It's not unheard of for stratas to lose track of how many bank accounts and GICs or term deposits they have. It can be helpful to provide a summary of accounts for reference. It's imperative to review signatories on the strata corporation's bank accounts and investments. Contact your financial institution. Sometimes strata councils are unaware that signatories include past owners or even deceased persons. Vote to remove or add signatories as required. I suggest using full names in the resolution, as many financial institutions ask for a copy of the minutes.

Assign common property for short-term exclusive use

This is a good time to renew or reassign common property parking stalls, storage lockers, kayak racks, etc. Under [SPA s. 76](#), council may give an owner or tenant permission to exclusively use common assets or common property that has not been designated as limited common property. In most cases the permission or privilege may not be given for more than a year. Therefore, council must renew or reassign these assignments annually.

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The First Council Meeting After an AGM

List contracts

With council members changing over the years, it can be easy to lose track of which services have formal contracts and their respective renewal dates. Council members are often surprised to learn that a contract for waste removal, elevator maintenance, landscaping, security, or janitorial services has automatically renewed. I find it helpful to list the contracts and their renewal dates in the minutes. Council members can reference the list during the year and it communicates to owners that council is keeping abreast of timelines. Review any contract expiring within the next 12 months. There are often complex clauses about terminating the contract. If you miss a “cancellation window”, the contract will renew and you’ll be stuck with the contract for another term.

Review correspondence

An outgoing council might leave matters raised in correspondence from owners to be addressed by the new council. While it may not be possible to deal with a large backlog of correspondence at the first meeting, council should prioritize matters that have deadlines such as requests for hearings, any petition calling a special general meeting, or anything related to litigation. It would also be prudent to deal with requests that require council’s written permission and bylaw enforcement matters that require investigation.

Follow up

I suggest reviewing previous meeting minutes and correspondence to check for any unfinished tasks, unresolved issues, or matters in progress. A list can ensure that these matters are addressed at future council meetings. Ensure all council members have access to the bylaws, *Strata Property Act* and Regulation, and records including minutes, financial reports, depreciation and engineering reports, and any other documents that will help them get up to speed. **V**

Ken Lam has been an active member of several stratas over the years, contributing as secretary and president.

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2025 Cover Photo Contest

Submit your photo of a BC strata to editor@visoa.bc.ca. Photos selected for the cover of Bulletin issues in 2025 will be entered into a draw on December 1, 2025.

First prize: a one-year VISOA corporate membership for all owners in your strata.

Second prize: \$50 to the submitter.



■ President's Message

The Road Ahead

In VISOA's survey in August, we asked what strata issues are important to you. While the survey's purpose was to pose questions to BC election candidates, the concerns and suggestions you raised reinforced our understanding of the issues you face and provide a roadmap for VISOA's ongoing advocacy efforts. See [all survey responses](#).

Amend the Strata Property Act

Several themes emerged with the largest being legislative changes to help strata corporations function in an increasingly complex landscape. You want amendments to the *Strata Property Act* (SPA) to meet your needs. Specifics ranged from access to records, responsibility for repairs, proxy farming, clarification regarding insurance, compliance, audits and more.

We all agree that plain language and clarity are a necessity. The interpretation and application of the SPA varies widely from strata to strata often because the language is confusing, vague, or ambiguous such as "reasonable [time/grounds/cost]" and "as soon as feasible". Clarity is needed for how to conduct an election at a general meeting, criteria to certify a proxy, providing legal opinions or records that contain personal information, responsibility for repairs when damage is below the amount of an insurance deductible, a process for permission to use email as a method of providing notice for a general meeting, and what should be included in the minutes. You shouldn't need to have extensive knowledge of BC Supreme Court decisions or obtain legal opinions to answer basic questions.

Even a small change can make an enormous impact. Sometimes a comma creates debate over how to interpret a sentence. The lack of check boxes on a Form F creates uncertainty for conveyances. We often get questions such as: Does "approve the agenda" mean the agenda can be changed? What does "new business" mean? Is an "unapproved expenditure" something that is not in the operating budget? Changing just a few words could improve understanding.

Improve consumer protection

This topic was raised frequently in the survey. With other forms of housing financially out of reach, many British

Columbians find themselves in dysfunctional, financially struggling, and litigious strata communities without other options. Poorly constructed buildings and issues with the transfer of control from the owner developer often result in challenging issues from the outset.

Over 25% of British Columbians live in stratas. For many, it is the most stressful experience of their lives. Conflict can occur at every level: between owners, between owners and councils, and between owners and strata managers. We often hear from strata owners suffering from physical and mental health issues related to stress, bullying, and financial strain. This is no way to live.

Since an owner developer is not required to provide a marketing disclosure statement for stratas of fewer than 5 strata lots, there is little consumer protection for buyers. They often have no understanding of their legal responsibilities under the SPA and bylaws. With the expected influx of 2-6 unit buildings, the number of strata corporations in BC will effectively double by 2035. Conflict in small stratas is often the most difficult to resolve. These consumers and all strata owners deserve legislation that offers protection.

Provide education and support

In the survey, you asked for training and support for council members, as well as improved education for realtors and strata managers. When a strata is operating in compliance with the law, with transparency and good communication, a root cause of conflict is removed, leading to improved quality of life.

Create a Strata Housing Branch

We call on the Ministry of Housing to form a Strata Housing Branch dedicated to tackling the work needed to support strata owners and reform the SPA and Standard Bylaws. Every improvement in legislation has the potential to reduce conflict and improve the lives of British Columbians living in strata housing.

VISOA is dedicated to voicing your concerns and working with all levels of government to improve the lives of strata owners.

Wendy Wall, VISOA President, president@visoa.bc.ca

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